

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VINCENT VASSAR,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 1:22-cv-00108-BAM (PC)

**ORDER STRIKING UNSIGNED COMPLAINT
AND REQUIRING PLAINTIFF TO FILE A
SIGNED COMPLAINT
(ECF No. 1)**

**ORDER TO SUBMIT PRISONER APPLICATION
TO PROCEED *IN FORMA PAUPERIS* OR PAY
FILING FEE**

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Vincent Vassar ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on January 21, 2022 in the United States District Court for the Central District of California. (ECF No. 1.) This action was transferred to the Eastern District of California on January 24, 2022. (ECF No. 4.)

First, Plaintiff has not paid the \$402.00 filing fee or submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff must sign and complete the attached form and submit a certified copy of his trust account statement if he wishes for the application to be considered.

Second, the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In preparing to screen the complaint, the Court noted that Plaintiff's complaint lacks any signature. Only the first page page of the complaint was received, and it

1 appears that the remaining pages, including the page that would contain Plaintiff's signature, are
2 missing. Both the Federal Rules of Civil Procedure and this Court's Local Rules require that all
3 filed pleadings, motions and papers be signed by at least one attorney of record or by the party
4 personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff's
5 complaint is unsigned, the Court must strike it from the record. Plaintiff will be permitted an
6 opportunity to file a signed complaint that contains all necessary pages that complies with the
7 Federal Rules of Civil Procedure and the Local Rules.

8 Based on the foregoing, it is HEREBY ORDERED that:

- 9 1. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*
10 application for a prisoner on Plaintiff;
- 11 2. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL
12 file the attached application to proceed *in forma pauperis*, completed and signed,
13 including a certified copy of his trust account statement for the past six months, or in
14 the alternative, pay the \$402.00 filing fee for this action;
- 15 3. Plaintiff's complaint, filed January 21, 2022, (ECF No. 1), is STRICKEN from the
16 record for lack of signature;
- 17 4. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
- 18 5. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL
19 file a signed complaint, **not to exceed 25 pages in length**, or a notice of voluntary
20 dismissal; and
- 21 6. **Plaintiff is warned that the failure to comply with this order will result in**
22 **dismissal of this action, without prejudice.**

23 IT IS SO ORDERED.
24

25 Dated: January 26, 2022

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
28